

Vice Chairperson Raley called the regular meeting to order at 6:30 p.m. Four commissioners were present; absent were Chairperson Roberts and Commissioners Burnett and Dearmin. Glen Black, Director of Community Development and James Shoopman, City Planner also attended.

Changes to the Agenda

There were none.

Minutes

Commissioner Jahn mentioned corrections on page 17: thorough-fare as a spelling correction, and omitting the last sentence before the Comprehensive Plan Update. Commissioner Bell mentioned corrections on page 6; 3rd paragraph from the bottom, 1 of 3 projections, and Del Norte as a spelling correction. Commissioner Oelke mentioned corrections: on page 3; insertion of the word overview, following the word brief in the 3rd paragraph, page 4; insertion of, those present, following he reminded, page 6; several substitutions of the word people for workers used by John Herald when he was referring to the workers to be changed to workers, and on page 16 substitution of the phrase used by Ed Watford, bound on both sides, to be inclusive of specific directions, (east and west).

Commissioner Bell motioned to approve the minutes from the last Planning Commission Regular Meeting that was held on May 5th, 2008 as read with the changes mentioned and Commissioner Jahn seconded the motion.

All were in favor and the motion carried.

Citizen Comments

There were none.

Crista Lee II PUD Sketch Plan Review ~ located East of 935 East 7th Street

Vice Chairperson Raley requested staff's report and recommendations.

The following was presented by James Shoopman, City Planner.

Request

The applicant is requesting approval of the Crista Lee PUD sketch plan which proposes to subdivide approximately 3.18 acres into 23 attached residential units/interests.

Zoning Regulations

The property's zone district is R-3, which is intended "to provide an area which is suitable for single family homes, duplexes, and multi-family residences..."

Sketch Plan Requirements

Staff review of the sketch plan has found it to substantially comply with the sketch plan review requirements of 16.04.050 (C).

Discussion

The following will need to be addressed and/or corrected at preliminary:

Crista Lee II PUD Sketch Plan Review ~ located East of 935 East 7th Street continued...***Discussion continued...***

1. *An irrigation ditch appears to be centered on the west property line. City code requires ditches to be piped.*
2. *Staff recommends that perimeter landscaping be provided and designed to screen the subdivision from adjacent properties.*
3. *Staff recommends that Planning Commission review and comment on proposed building aesthetics. Features such as color and material combinations, changes in wall plane, roof pitch, arches, dormers, porches, garage setbacks, etc should be considered.*
4. *The City is in the process of designing 6th St to extend east. The developer will need to design the Crista Lee II portion of 6th St to be compatible with the City's plans.*
5. *The applicant has requested that the City not allow parking on 6th St. Staff does not support this request.*
6. *City Code requires residential PUD's to designate at least 25% of the gross area of the site as open space. The minimum design standards section of the City Code requires .58 acres of park (active recreational area) to be provided. Since a school is in the area and the required amount of park is less than 1 acre, staff recommends that the developer provide a combination of open space and a payment in-lieu-of parks payment.*

Staff Recommendations

*This submittal appears to substantially comply with the sketch plan requirements of 16.04.050 (C). Staff recommends **approval** of the Crista Lee II PUD sketch plan conditioned upon satisfaction of the above discussion items.*

Example Motion

*I move that Planning Commission **approve/disapprove** the Crista Lee II PUD sketch plan; **contingent** upon the following:*

1. *Staff recommendations as outlined in this report.*
2. *Planning Commission recommendations (if any).*

Vice Chairperson Raley requested the applicant's presentation.

David Chase, Vista Engineering, reviewed the building plans of the development. He reviewed the parking requirements and the accesses to the development. He mentioned some of the planning for utilities, drainage, and offsite improvements. He concluded his presentation by addressing the issues for discussion items of staff's report.

There was further discussion about parking, drainage, fencing, and landscaping.

Alan Helmick, owner, mentioned that this development had a sketch plan that had been approved that had 12 lots and no fencing requirements.

Vice Chairperson Raley requested public comment.

There were none.

Commissioner Oelke mentioned that the applicant would have to pay PILP.

Vice Chairperson Raley expressed that he favors a privacy fence.

Commissioner Bell expressed that he would like to see some security around the proposed detention pond and would like the developer to participate in the cost of the 6th Street extension project.

Crista Lee II PUD Sketch Plan Review ~ located east of 935 East 7th Street continued...

Commissioner Jahn and Bell gave their thoughts about the privacy fencing.

Commissioner Bell motioned to approve the sketch plan for the Crista Lee II ~ PUD contingent upon:

- staff recommendations
- maintain on-street parking of Nuvue on one side
- fencing the detention pond.

Commissioner Jahn seconded the motion.

All were in favor and the motion carried.

Rial Variance Request ~ located 137 Grand Avenue

Vice Chairperson Raley opened the public hearing and requested staff's report and recommendations.

The following was presented by James Shoopman, City Planner.

Request:

The applicant is requesting:

1. *To change a non-conforming use by building a residential structure on a 3125 sq ft parcel (City Code requires lot sizes to be a minimum of 6000 sq ft).*
2. *A variance to build within the 5' side setback requirements of 17.04.220 of the City's Municipal Code.*

Criteria for Approval of a Change in Non-Conforming Use:

According to section 17.04.260 of the City Municipal Code, no conditional use or change in a non-conforming use will be allowed unless the Planning Commission determines the following criteria are substantially met with respect to the type of use and its dimensional features:

1. *The use will not be adverse to the public health, safety or welfare.*
2. *The use is not inconsistent with the City's Master Plan.*
3. *Streets, pedestrian facilities, water, sewer and other public improvements in the area are adequate.*
4. *The use is compatible with existing uses in the area and other allowed uses in the district and the type, bulk, height and location of any buildings or structures is compatible with other buildings, structures and the character of the area.*
5. *The use will not have an adverse effect upon other property values.*
6. *Adequate off-street parking will be provided for the use.*
7. *The location of curb-cuts and access to the premises will not create traffic hazards.*
8. *The use will not generate light, noise, odor, vibration, or other effects which would unreasonably interfere with the reasonable enjoyment of other property.*
9. *Landscaping of the grounds and architecture of any buildings will be reasonably compatible with that existing in the neighborhood.*
10. *Any other criteria specified by other City ordinances or regulations are met.*

The Planning Commission may impose conditions as necessary to ensure that the above criteria are met.

Rial Variance Request ~ located 137 Grand Avenue continued...***Criteria for Approval of a Variance:***

According to section 17.04.260 of the City Municipal Code, the Planning Commission may approve a variance from the provisions of this chapter (17), other than the uses specified for any district or restrictions on the location of factory built housing, only if it determines following review pursuant to Section 17.04.290 that the following criteria are substantially met:

- 1. The variance will not adversely affect the public health, safety and welfare.*
- 2. Unusual physical circumstances exist, such as unusual lot size or shape, topography, or other physical conditions peculiar to the affected property which make it unfeasible to develop or use the property in conformity with the provisions of this Chapter in question.*
- 3. The unusual circumstances have not been created as a result of the action or inaction of the applicants, other parties in interest with the applicant, or their predecessors in interest.*
- 4. The variance requested is the minimum variance that will afford relief and allow for reasonable use of the property.*
- 5. The variance will not result in development incompatible with other property or buildings in the area, and will not affect or impair the value or use or development of other property.*

The Planning Commission may impose conditions of approval as necessary to insure that the above criteria are met including limitations on the effective term of the variance.

Discussion

- 1. As of 5-28-08, (5) petitions with (14) signatures were received **objecting** to the request.*
- 2. If the non-conforming use is approved, staff recommends the following conditions of approval:*
 - a. Proposed building aesthetics should be compatible with existing neighborhood character (architectural features, proposed height, etc).*
 - b. The sidewalk along Grand Ave is damaged. Staff requests that the applicant participate in the City's cost sharing program to replace the damaged sidewalk.*
 - c. Two 9' x 18' onsite parking spaces (not including garage) shall be provided.*
 - d. Street access to the lot shall be from the alley instead of Grand Ave.*
 - e. Drainage will need to be adequate and not burden adjacent property.*

Staff Recommendations:

Staff supports the request to build a single family structure on the 3125 sq ft parcel upon satisfaction of the conditions outlined above.

Staff does not support the request to build within required 5' side setbacks.

Example Motion:

*I move that Planning Commission **approve/deny** the applicant's request:*

- 1. To change a non-conforming use by building a residential structure on a 3125 sq ft parcel.*
- 2. For a variance to build within the 5' side setback requirements of 17.04.220 of the City's Municipal Code*

The commissioners asked for several points of clarification.

Vice Chairperson Raley requested the applicant's presentation.

Rial Variance Request ~ located 137 Grand Avenue continued...

Mr. Rial discussed his project with the commission including: building aesthetics, plans, and materials to be used. He stated that he was certain that he could meet all conditions of the city requirements.

Commissioner Oelke requested discussion towards fencing, yard, and door location.

Commissioner Bell questioned if a 15' wide structure would work for the applicant. Mr. Rial replied that a 15' wide structure would work.

Vice Chairperson Raley requested public comment.

Debra Richards, 261 Second Street, stated that she would like to see other lots within the City that have been built on in a similar circumstance. She shared concerns of, lot size, setbacks, and adverse affects on adjacent property values. Property values would be decreased. She asked what the City requirements are for eave overhangs. She expressed concern of how adjacent properties may be affected.

Commissioner Bell asked if the condo owners were considering buying the adjacent lot to increase their property value. The owners stated they would buy the lot.

Judith Johnson, owner of one of the condos, expressed that views would be wiped out (Grand Mesa) if the lot had a building built on it.

Vice Chairperson Raley requested new public comments.

Judy Schmaltz stated that she believed that adjacent property values would decrease.

Mr. Shoopman addressed issues of eaves and lot design standards including lot access.

Vice Chairperson Raley closed the public hearing and requested commissioner comments.

Commissioner Jahn expressed his concern of the height of the building.

There was more discussion about lot size, set backs, and building height.

Commissioner Jahn motioned and Commissioner Oelke seconded the motion that the Planning Commission approve the applicant's request to build on a 3125 sq ft parcel and deny the variance request to build within side setbacks upon satisfactions of staff's recommendations.

All were in favor with the exception of Commissioner Bell who voted nay and the motion carried.

Initial Zoning of 1632 Bluff Street

Vice Chairperson Raley opened the public hearing and requested staff's report and recommendations.

The following was presented by James Shoopman, City Planner.

Initial Zoning of 1632 Bluff Street continued...***Request:***

The applicant is requesting that the zone district of parcel number 3455-193-00-030, as identified with the Delta County Assessor (aka 1632 Bluff St), be established as B-2.

The B-2 zone district “is intended to provide for business oriented toward serving the vehicular customer. This district provides for the convenient exchange of goods and services along the major thoroughfares of the City”.

The applicant has submitted a written opinion of how the request meets the initial zoning criteria of the Municipal Code and complies with the City’s Comprehensive plan (see applicant’s letter).

Criteria for Zoning of Additions:

According to section 17.04.270 of the City Municipal Code:

- 1. The Planning Commission shall recommend to the City Council a use designation for all property annexed into the City not previously subject to City zoning.*
- 2. The zoning designation for newly annexed property shall not adversely affect the public health, safety, and welfare.*

Petitions:

*As of May 29th, 2008 (2) signatures were received **objecting** to the request. (1) signature was received **approving** of the request.*

Discussion:

The Planning Commission may want to discuss the following:

- 1. What type of use is being considered for the parcels?*
- 2. Are the uses allowed within the B-2 zone district compatible with surrounding properties?*
- 3. Would an alternative zone district better harmonize with surrounding properties and still allow the desired use?*
- 4. Is this request in harmony with the comprehensive plan?*
- 5. City streets and sufficient ingress/egress to serve the allowed uses within the B-2 zone district will need to be constructed and conform to the City’s Master Street Plan.*
- 6. CDOT improvements may be required upon development to serve the allowed uses within the B-2 zone district.*
- 7. Ditches will need to be piped upon development.*
- 8. Other offsite improvements may be required upon development.*
- 9. Proposed building aesthetics upon development.*

Staff Recommendations:

Staff recommends comprehensive consideration of the requested zone change.

Example Motion:

*I move that Planning Commission **recommend/not recommend** approval to City Council of the request to change the zone district of parcels 3455-193-00-030 to B-2.*

Vice Chairperson Raley requested the applicant’s presentation.

Brian Mason stated his development intentions were for commercial use.

Hillside improvements were discussed. Road systems within the development were discussed.

Vice Chairperson Raley requested public comment.

There were none.

Staff explained that the petition received was against the annexation, not the zoning.

Initial Zoning of 1632 Bluff Street continued...

Vice Chairperson Raley closed the public hearing and requested commissioner comments.

Commissioner Oelke stated that she favored the B-2 zone district for the addition.

Commissioner Bell motioned that Planning Commission recommend approval to City Council of the request to change the zone district of parcel 3455-193-00-030 to B-2. Commissioner Jahn seconded the motion.

All were in favor and the motion carried.

Hellman Rezone Request ~ located at 935 Meeker Street

Vice Chairperson Raley opened the public hearing and requested staff's report and recommendations.

The following was presented by James Shoopman, City Planner.

Request:

The applicant is requesting that the zone district of parcel numbers 3457-241-31-006 (935 Meeker St owned by Ronald Gordon) and 3457-241-31-007 (adjacent parcel north of 935 Meeker St owned by Thunder Mountain Real Estate Holdings Co, Inc, aka Hellman Chevrolet) be changed from R-2 to B-2.

The R-2 District is intended to "provide an area which is suitable for single family homes and duplexes.

The B-2 zone district is intended to "provide for business oriented toward serving the vehicular customer. This district provides for the convenient exchange of goods and services along the major thoroughfares of the City".

The applicant has submitted a written opinion of how the request meets the zone change criteria of the Municipal Code and complies with the City's Comprehensive plan (see applicant's letter).

Criteria for Rezoning:

*According to section 17.04.270 of the City Municipal Code, amendments to the Zoning Map involving any change in the boundaries of an existing district or changing the district designation of an area shall be allowed **only** upon findings as follows:*

- 1. The amendment is not adverse to the public health, safety, and welfare; **and***
- 2. a. The amendment is in substantial conformity with the Master Plan; **or***
 - b. The existing zoning is erroneous; **or***
 - c. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.*

Petitions:

*As of May 29th, 2008 (3) signatures were received **objecting** to the request.*

Discussion:

The Planning Commission may want to discuss the following:

- 1. Is the intent of the B-2 zone district compatible with surrounding properties?*
- 2. Is this request in harmony with the comprehensive plan?*

Hellman Rezone Request ~ located at 935 Meeker Street continued...***Discussion continued...***

3. *Does this request meet the rezone criteria of the City Code?*
4. *Does the site have sufficient ingress/egress to serve the allowed uses within the B-2 zone district?*
5. *What impacts would the uses allowed in the B-2 zone district have upon the existing streets and intersections within the area?*

Staff Recommendations:

*Staff recommends that the rezone request be **denied** as follows:*

1. *The character of the neighborhood may be degraded by commercial expansion, thus being adverse to the welfare of the residents.*
2. *The entire block is well established with single family residential use and character. The requested amendment is not in conformity with the Community Development/Neighborhood Identity section of the Comprehensive Plan which states:

“Encourage the **preservation** and development of unique qualities and characteristics which exist in Delta’s neighborhoods to ensure **continued neighborhood identity**”.*
3. *Conditions in the area affected or adjacent areas have not changed materially since the area was last zoned, except for the creation/expansion of commercial parking upon the parcel north of 935 Meeker (against the City’s will) to serve the dealership to the west. Commercial parking is not allowed within the R-2 zone district. The current use for employee and customer parking is the result of a lawsuit started in 1977 by Robert Musgrave of Musgrave Chevrolet against the City of Delta. The judgment of the Delta County District Court in 1978 allowed the parcel to be used by the dealership for employee and customer parking. Attached is a copy of a letter to Mr. Hellman explaining the City’s position in regards to the use of the parcel.*

Example Motion:

*I move that Planning Commission **recommend/not recommend** approval to City Council of the request to change the zone district of parcels 3457-241-31-006 and 007 to B-2.*

Mr. Shoopman reviewed the history of this property.

Vice Chairperson Raley requested the applicant’s presentation.

Barbara Sanford, representing Mr. Hellman, explained some recent legal issues between Mr. Gordon and Mr. Hellman. She stated that they have a petition from 6 property owners from the west side of Meeker who are in favor of the change. She stated the applicant’s intent of expanding his business.

Commissioner Bell asked if there were any other legalities pending.

The applicant replied that there weren’t.

Vice Chairperson Raley requested public comment.

There were none.



Hellman Rezone Request ~ located at 935 Meeker Street continued...

Vice Chairperson Raley closed the public hearing and requested commissioner comments.

Commissioners Oelke stated her reasons of not favoring the request.

Vice Chairperson Raley stated he did not feel that the request met the criteria for rezone.

Commissioner Oelke motioned that the Planning Commission not recommend approval to City Council of the request to change the zone district of parcels 3457-241-31-006 and 007 to B-2. Commissioner Jahn seconded the motion.

All were in favor and the motion carried

Comprehensive Plan Update

Mr. Black stated that Dola has modified the contract, extending the time of performance to December 31, 2008. He presented the draft highlighting the master street plan to the county commissioners.

The future land use map was discussed.

The final draft of the Comprehensive Plan is proposed to be presented to staff next week and the adoption time frame is near to August.

Commissioner Comments

Commissioner Jahn expressed concerns of drag racing on I Road.

Staff Comments

Block dimensions were discussed.

Staff Comments continued...

Commissioner Bell will be absent from the July 7th meeting. Wednesday, July 2nd will be the next Planning Commission work session.

Meeting Adjourned at 9:07 p.m.

Lee A. Barber, Executive Secretary

